

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JULIE LYNN CARPER,

Plaintiff,

vs.

STATE OF NEBRASKA, NEBRASKA
ATTORNEY GENERAL, HON. CJ
HEAVICAN, Chief Justice, Nebraska
Supreme Court; and HON. TWISS,
Adams, Colfax County Judge;

Defendants.

8:19CV404

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff Julie Lynn Carper's "Pro Forma Statement" which the court construes as a request to proceed in forma pauperis. ([Filing No. 2](#).) However, her request does not comply with the terms of [28 U.S.C. § 1915](#), the statute authorizing proceedings in forma pauperis. *See* [28 U.S.C. § 1915\(a\)\(1\)](#) (requiring the plaintiff to submit "an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor"). Plaintiff has the choice of either submitting the \$400.00 filing and administrative fees to the clerk's office or submitting a request to proceed in forma pauperis that complies with [28 U.S.C. § 1915](#).¹ Failure to take either action within 30 days will result in the court dismissing this case without further notice to Plaintiff.

¹ If Plaintiff is granted leave to proceed IFP in this matter, she will be allowed to pay the court's \$350 filing fee in installments. *See* [28 U.S.C. § 1915\(b\)\(1\)](#); *In re Tyler*, 110 F.3d 528, 529–30 (8th Cir. 1997). She would not be subject to the \$50.00 administrative fee assessed to non-IFP plaintiffs.

IT IS THEREFORE ORDERED that:

1. Plaintiff's "Pro Forma Statement," construed as a request to proceed in forma pauperis ([filing no. 2](#)), is denied without prejudice to reassertion in a motion to proceed in forma pauperis that complies with [28 U.S.C. § 1915](#).

2. Plaintiff is directed to submit the \$400.00 fees to the clerk's office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.

2. The clerk of the court is directed to send to Plaintiff the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").

3. The clerk of the court is directed to set a pro se case management deadline in this matter with the following text: **October 15, 2019**: Check for MIFP or payment.

Dated this 12th day of September, 2019.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge